

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DUSTIN SHOEMAKER, : CIVIL ACTION NO. 3:16-CV-2304
: Plaintiff : (Chief Judge Conner)
: :
v. : :
: :
NANCY A. BERRYHILL, Acting :
Commissioner of Social Security, :
: :
Defendant : :

ORDER

AND NOW, this 3rd day of July, 2018, upon consideration of the report (Doc. 15) of Magistrate Judge Martin C. Carlson, recommending that the court deny the appeal of Dustin Shoemaker (“Shoemaker”) from the decision of the administrative law judge denying his application for a period of disability and disability insurance benefits, and the court noting that Shoemaker filed objections (Doc. 16) to the report, see FED. R. CIV. P. 72(b), and the Commissioner of Social Security (“Commissioner”) filed a response (Doc. 17) thereto, and following *de novo* review of the contested portions of the report, see *Behar v. Pa. Dep’t of Transp.*, 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see *Cruz v. Chater*, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in agreement with Judge Carlson that the administrative law judge’s decision “is supported by substantial evidence,” 42 U.S.C. § 405(g); Fargnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and finding Judge Carlson’s analysis to

be thorough, well-reasoned, and fully supported by the record, and further finding Shoemaker's objections to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 15) of Magistrate Judge Carlson is ADOPTED.
2. The Commissioner's decision denying Shoemaker's application for a period of disability and disability insurance benefits is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Shoemaker as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania